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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-823**

13 **SHERI LEE WILLIAMSON**
14 **2855 Pinecreek Drive #B429**
Costa Mesa, CA 92626

A C C U S A T I O N

15 **Registered Nurse License No. 417081**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 31, 1987, the Board of Registered Nursing issued Registered
24 Nurse License Number 417081 to Sheri Lee Williamson (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on December 31, 2014, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order

1 to fix the degree of discipline or to determine if the conviction is substantially related
2 to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"
4 and "registration."

5 9. Section 2761 of the Code states:

6 The board may take disciplinary action against a certified or licensed nurse or
7 deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the
9 following:

10

11 (f) Conviction of a felony or of any offense substantially related to the
12 qualifications, functions, and duties of a registered nurse, in which event the record of
13 the conviction shall be conclusive evidence thereof.

14

15 10. Section 2762 of the Code states:

16 In addition to other acts constituting unprofessional conduct within the meaning
17 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
18 licensed under this chapter to do any of the following:

19

20 (b) Use any controlled substance as defined in Division 10 (commencing with
21 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
22 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
23 dangerous or injurious to himself or herself, any other person, or the public or to the
24 extent that such use impairs his or her ability to conduct with safety to the public the
25 practice authorized by his or her license.

26 (c) Be convicted of a criminal offense involving the prescription, consumption,
27 or self-administration of any of the substances described in subdivisions (a) and (b) of
28 this section, or the possession of, or falsification of a record pertaining to, the
substances described in subdivision (a) of this section, in which event the record of
the conviction is conclusive evidence thereof.

. . . .

11. Section 2765 of the Code states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere
made to a charge substantially related to the qualifications, functions and duties of a
registered nurse is deemed to be a conviction within the meaning of this article. The
board may order the license or certificate suspended or revoked, or may decline to
issue a license or certificate, when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under the

provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

13. California Code of Regulations, title 16, section 1445 states:

....

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

COSTS

14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
3 included in a stipulated settlement.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(October 4, 2012 Criminal Conviction for DUI on August 1, 2012)**

6 15. Respondent has subjected her license to disciplinary action under sections 490 and
7 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is substantially
8 related to the qualifications, functions, and duties of a registered nurse. The circumstances are as
9 follows:

10 a. On or about October 4, 2012, in a criminal proceeding entitled *People of the*
11 *State of California v. Sheri Lee Williamson*, in Los Angeles County Superior Court, case number
12 2LT01486, Respondent was convicted on her plea of nolo contendere of violating Vehicle Code
13 section 23152, subdivision (b), driving with a blood alcohol concentration (BAC) of 0.08% or
14 more, a misdemeanor. The court dismissed an additional count of violating Vehicle Code section
15 23152, subdivision (a), driving under the influence of alcohol, pursuant to a plea agreement.

16 b. As a result of the conviction, on or about October 4, 2012, Respondent was
17 sentenced to one day in jail, with credit for one day, and she was granted summary probation for
18 three years. Respondent was ordered to perform 13 days of community service, complete a three-
19 month Licensed First Offender Alcohol and Other Drug Education and Counseling Program, pay
20 fees, fines, and restitution in the amount of \$2,032, and comply with DUI probation terms.
21 Respondent was ordered to install a DMV ignition interlock device on her vehicle.

22 c. The facts that led to the conviction are that on or about August 1, 2012, at noon,
23 a motorcycle officer with the Long Beach Police Department was traveling in the carpool lane of
24 the I-405 freeway. He observed Respondent's truck make an illegal exit out of the carpool lane
25 across double yellow lines. The officer conducted a traffic stop. The officer could smell an odor
26 of an alcoholic beverage coming from Respondent's breath, her speech was slurred, and her eyes
27 were bloodshot and watery. Respondent admitted that she had consumed "a lot" of wine the night
28 before. Respondent submitted to a series of field sobriety tests, and she provided two breath

1 samples which were analyzed by the preliminary alcohol screening device with a BAC of .151
2 and .155 percent, respectively. Based on Respondent's performance on the field sobriety tests,
3 her BAC level, and her admission to drinking alcohol, Respondent was arrested for driving under
4 the influence. In a search of Respondent's vehicle incident to arrest, the officer found an open
5 12-ounce can of beer that was three-quarters full and still cold in the center console, along with an
6 empty can behind the passenger seat. During booking, she provided two additional breath
7 samples which were analyzed by the intoxilyzer with a BAC of .17 and .16 percent, respectively.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Dangerous Use of Alcohol)**

10 16. Respondent has subjected her registered nurse license to disciplinary action under
11 section 2762, subdivision (b) of the Code for unprofessional conduct in that on or about August 1,
12 2012, as described in paragraph 15, above, Respondent used alcoholic beverages to an extent or
13 in a manner that was dangerous and injurious to herself, and to others in that she operated a motor
14 vehicle while significantly impaired by alcohol.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Alcohol-Related Criminal Conviction)**

17 17. Respondent has subjected her registered nurse license to disciplinary action under
18 section 2762, subdivision (c) of the Code for unprofessional conduct in that on or about October
19 4, 2012, as described in paragraph 15, above, Respondent was convicted of a criminal offense
20 involving the consumption of alcohol.

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1 **PRAYER**

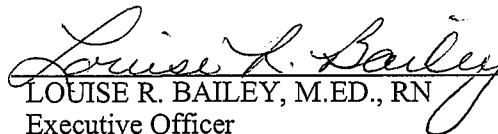
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 417081, issued to Sheri
5 Lee Williamson;

6 2. Ordering Sheri Lee Williamson to pay the Board of Registered Nursing the
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8 Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.
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12 DATED: MARCH 26, 2013


13 LOUISE R. BAILEY, M.ED., RN
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant

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